

a.) Remarks

The claims are 1-7 with 1 being the sole independent claim.

Reconsideration of the claims is requested based on the arguments which follow.

Claims 1-7 are finally rejected under 35 U.S.C. §103(a) as being unpatentable over Takeda JP 08-323049, in view of Japan 63-4304 (sic. JP 63-43094). Takeda is said to lack a resin layer on the back surface. The Examiner argues that it would have been obvious to incorporate into Takeda a back surface with the reversibly metachromatic layer taught by JP 63-43094. That ground of rejection is respectfully traversed.

Prior to addressing the grounds of rejection, applicants wish to briefly review certain key features and advantages of the present claimed invention.

As recited in claim 1, the claimed invention includes a foamed resin substrate, first and second resin layers affixed, respectively, to the front and rear surfaces of the foamed substrate and a reversibly metachromatic layer on at least a portion of the first or second resin layers.

The first and second resin layers are superposed on both sides of the foamed substrate. A primary advantage of this configuration is that the sandwiching resin layers prevent the foamed substrate from deforming by warpage. Page 7, lines 10-14. If desired patterns or characters can be printed in or on the resin layer to enhance the utility of the product as a toy. As shown in the actual Examples, where a resin layer is provided on both surfaces of the foamed substrate, the resulting toy was free from warpage or deformation, was rich in flexibility and maintained the hand and feel peculiar to the foamed substrate.

Page 57, lines 1-7 and page 59, lines 10-16, for example. Preferred resin layers have small shrinkage rates to further prevent warpage.

On the other hand, as shown in Comparative Examples 1 and 2 on specification page 60 where a resin layer was provided only on one surface of the foamed substrate, then warpage occurred which significantly detracted from the utility and effectiveness of the product.

As admitted by the Examiner, Takeda fails to teach a resin layer on the back surface of the product. Accordingly, Takeda is subject to the same warpage as present Comparative Examples 1 and 2. It should be understood that the presently claimed “resin layer” is different from a “reversibly metachromatic layer.” For example, as shown in present Example 1, the resin layers 3a, 3b were non-metachromatic white ink containing a polyurethane resin. The reversibly metachromatic layers 4a and 4b were prepared by dispersing a urethane resin in a reversibly thermochromatic microcapsule pigment. As shown in Comparative Examples 1 and 2 the presence of a reversibly thermachromatic layer, without an underlying resin layer, was insufficient to prevent warpage.

Japan 63-43094 is said to teach a reversibly metachromatic layer on the back surface of a support. However, even assuming, arguendo, that there is motivation to add the reversibly metachromatic layer to the back of Takeda, this combination would not achieve the present claimed invention, since the metachromatic layer is different from the claimed resin layer. Furthermore, as shown in Comparative Examples 1 and 2, the presence of metachromatic layers without an underlying resin layer is insufficient to prevent warpage. Therefore, the final rejection should be withdrawn since a *prima facie* case of obviousness has not been raised. Even if it can be assumed that a *prima facie* case

of obviousness has been made, the comparative test results show the present claimed invention provides unexpectedly superior dimensional strength sufficient to resist warpage. These results rebut the conclusion the claimed invention is obvious.

In view of the above remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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